



## DEPARTMENT OF FOOD AND AGRICULTURE

### Division of Measurement Standards (DMS)

6790 Florin-Perkins Rd., Ste. 100 · Sacramento, CA 95828-1812

Phone #: (916) 229-3040 · Fax #: (916) 229-3055 · E-Mail Address: [dms@cdfa.ca.gov](mailto:dms@cdfa.ca.gov) · Website: <http://www.cdfa.ca.gov/dms>

## HOW TO .....

### ADD/DELETE DEPUTIES using a copy of your current year's Weighmaster License:

(California Business & Professions Code, Division 5, Chapter 7, Sections 12703, 12704, 12710 & 12710.5)

- You may add/delete the same number of deputies at no charge. Make changes on a copy of a current year's license & mail, fax or E-mail. Deputies may begin signing on the postmarked date, faxed date, or E-mail date.
- Deleting a deputy: draw a **pencil** line through name. Additions/corrections: **Legibly write** the added/correct name on license.
- If you are adding deputies and **not** deleting deputies, **\$20** is required for each deputy added. (**Do not** fax changes, when fees are necessary.) Deputies may begin signing on date fees are **mailed** to DMS and not before.

### ADD/DELETE/CHANGE BRANCH LOCATIONS using the Weighmaster Application:

(California Business & Professions Code, Division 5, Chapter 7, Sections 12703 & 12704)

- You cannot add and delete a branch in equal exchange or receive credit for the deleted branch location.
- To change a principal location: Complete the principal weighing location section #8 of the application & submit with **\$30** in fees.
- Adding or changing an additional location: Complete the additional weighing location section #8a of the application. Submit **\$30** for each location. Send fees & application with a copy of current Weighmaster License
- Weighing cannot take place until the application and proper fees are submitted (postmark date).
- To delete a location, mark through location on license and fax or mail to DMS. The location will remain on license as "Inactive" until next renewal notice is issued.

## WHAT IF .....

### ENTITY CHANGE\* (California Business & Professions Code, Division 5, Chapter 7, Sections 12703, 12704 & 12705)

Examples:

- Selling or merging with another company ( If merging: Submit a 'Certificate of Merger' from Secretary of State along with new application and fees.)
- Changing sole ownership, partnership or corporate status (i.e. sole ownership to LLC).

**Prior** to change you need to:

- Cancel your current license by completing a cancellation form.
- Fill out application with your updated information.
- If you are "*doing business as (dba)*"\*\* submit a 'Fictitious Business Name Statement'. Refer to the website for additional information.
- If Incorporated, LLC, LP, LLP, Refer to the California Business Portal of Secretary of State website for proper listing: <http://kepler.ss.ca.gov/list.html>. For frequently asked questions, definitions, & business codes: Refer to <http://www.ss.ca.gov/business/business.htm>
- Submit appropriate fees.
- Weight Certificates must be printed to reflect the name of the principal weighmaster as it appears on the license. Submit a draft copy of weight certificate before printing with the application.

\*A Corporate name change requires a copy of the amendment to the Articles of Incorporation with date filed. No fees required for this change.

\*\*A (dba) name change does not require fees. Fax or mail a copy of a new 'Fictitious Business Name Statement' with a copy of your weighmaster license with old name crossed out.

## WHERE IS .....

- |                            |                                 |                                  |
|----------------------------|---------------------------------|----------------------------------|
| • Application Form         | • Deputy Instructions           | • Weighmaster Laws & Regulations |
| • Certificate Requirements | • Common Tare Notice            |                                  |
| • Cancellation Form        | • Fictitious Business Name Info |                                  |

Go to Website: <http://www.cdfa.ca.gov/dms/InfoGuides/WM.htm>

## SEND FEES DUE .....

Make Check payable to: CDFA 50.40.01 Remit to: Cashier, PO Box 942872 • Sacramento, CA 94271-2872

Take the *Deputy Weighmaster Self Help Exam* at: <http://www.cdfa.ca.gov/dms/pdfs/PubScaleDeputyQuiz.pdf>



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## FICTITIOUS BUSINESS NAME STATEMENT

The purpose of filing a fictitious business name statement is to make available to the public and creditors the identities of people doing business for profit in the State of California.

‘Fictitious Business Name Statement’ forms are available from, and filed at, the County Clerk Recorder’s Office. People starting a new business in the county may wish to search the business names on file when considering their business name.

The requirements of filing a ‘Fictitious Business Name Statement’ are outlined in Sections 17900-17930 of the Business and Professions Code. The following is general information on Fictitious Business Name Statements. Please consult with the Business and Professions Code for more in-depth information.

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### WHO NEEDS TO FILE A FICTITIOUS BUSINESS NAME STATEMENT?

Every person doing business for profit under a fictitious business name must file a ‘Fictitious Business Name Statement’ form within 40 days of commencement of business. [B&P 17910] The ‘Fictitious Business Name Statement’ is valid for five years from the date of filing unless it is abandoned or there is a change in the facts (a change in a registrant’s residence address does not cause the statement to expire if that is the only change). [B&P 17920]

1. Individual: When the registrant’s surname (last/family name) is not part of the business name and no other words suggest the existence of additional owners.
  2. Partnerships or other associations of persons: When the surnames of each general partner are not part of the business name and no other words suggest the existence of additional owners.
  3. Corporations: When using a name other than the name registered with the Secretary of State corporate filing division.
  4. Limited Liability Company: When using a name other than the name registered as a limited liability company with the Secretary of State.
  5. Words that suggest the existence of additional owners: “Company”, & “Company”, & “Associates”, “& Sons”, “Brothers”, etc.
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### WHERE TO FILE A FICTITIOUS BUSINESS NAME STATEMENT?

The ‘Fictitious Business Name Statement’ form shall be filed with the County Clerk Recorder’s Office in which the registrant has their principal place of business in this state. If the place of business is outside of California, the registrant must file with the Clerk of Sacramento County. [B&P 17915]

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### WHAT ARE THE PUBLICATION REQUIREMENTS?

Within thirty days from the date of filing, the registrant shall start publishing the statement in a newspaper of general circulation in the county in which the principal place of business is located, once a week for four successive weeks. Within 30 days of the completion of the publication an affidavit shall be filed with the County Clerk Recorder’s Office. A renewal statement need not be republished if there is no change from the previous application. [B&P 17917]

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### WHAT TO DO WHEN PERSON CEASES DOING BUSINESS?

A person, ceasing to transact business in the state under a fictitious name, may file a statement of abandonment. [B&P 17922]

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### WHAT TO DO WHEN A PARTNER LEAVES THE BUSINESS?

A partner, who is leaving a business, may file a statement of withdrawal with the County Clerk. Publication is not required if dissolution of the partnership has been published pursuant to the Corporation Code. If published, an affidavit shall be filed with the County Clerk. [B&P17923]

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